



# FACT SHEET

## Proposed Rule Establishing Requirements To Protect Children During Renovation, Repair and Painting Activities that Disturb Lead-Based Paint

The Agency is proposing some simple but effective work practice standards that can reduce potential exposure to dangerous levels of lead for residents, especially children. These work practice standards and training requirements would apply to persons engaged in renovation, repair, and painting activities that disturb lead-based paint in housing built before 1978. This proposal is one component of a comprehensive program that will also include training and an education and outreach campaign to promote lead-safe work practices. This program will help to meet the goal of eliminating childhood lead poisoning as a major public health concern by the year 2010. While the Consumer Product Safety Commission banned lead-based paint for residential use in 1978, more than 38 million U.S. homes still contain some lead-based paint, with two-thirds of the houses built before 1960 containing lead-based paint. Renovation activities that disturb lead-based paint can create lead hazards. The proposal and additional information can be accessed on the Internet at <http://www.epa.gov/lead>.

### What is covered by the proposed rule?

The proposed rule would apply to housing with lead-based paint built before 1978. EPA is proposing a two-phased approach, with the first phase focusing on rental and owner-occupied housing built before 1978 where a child has an elevated blood lead level, in rental housing built before 1960 and in owner-occupied housing built before 1960 where children under age six reside. The second phase would apply to renovations in rental housing built between 1960, and 1978 and to owner-occupied housing built after 1960 and before 1978 where children under six reside.

### What does the proposal require?

The proposed rule, issued under the authority of section 402(c)(3) of the Toxic Substances Control Act (TSCA), would require that renovators are trained in the use of lead safe work practices, that renovators and firms be certified, that providers of renovation training be accredited, and that renovators follow renovation work practice standards. The standards would apply to all persons who do renovation for compensation, including renovation contractors, maintenance workers in multi-family housing, painters and other specialty trades.

### What work practices are being proposed?

These are examples of work practices described in the proposal.

- Renovations would be performed by certified firms.
- Certified firms would use certified renovators to perform certain activities and would provide on-the-job-training for uncertified workers.
- Firms would post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area.
- Before beginning the renovation, the firm would isolate the work area so that no visible dust or debris leaves the work area while the renovation is being performed.
- Waste from renovation activities would be contained to prevent releases of dust and debris.
- After the renovation is complete, the firm would clean the work area. A certified renovator may verify the cleanliness of the work area using a procedure involving disposable cleaning cloths.

### What are the responsibilities of the firm?

In the proposal, firms performing renovations would have to ensure that:

- All persons performing renovation activities are certified renovators or have received on-the-job-training by a certified renovator;
- A certified renovator is assigned to each renovation performed by the firm; and
- All renovations are performed in accordance with applicable work practice standards.

### **How would a firm become certified?**

Under the proposed rule, firms that perform renovations for compensation would apply to EPA for certification to perform renovations. Firms would have to apply for re-certification every three years.

### **How would renovators and sampling technicians become certified?**

As proposed, a person can become:

- A certified renovator by either successfully completing an accredited renovator training course, or being a certified lead-based paint abatement supervisor or worker;
- A certified sampling technician by either successfully completing an accredited sampling technician course, or being a certified lead-based paint inspector or risk assessor.

To maintain certification, a person would complete an accredited refresher course every three years.

### **What is the role of the certified renovator?**

As proposed, a certified renovator:

- Performs or directs uncertified workers performing regulated renovation activities;
- Provides training to uncertified workers on lead safe work practices;
- Would be required to be at the work site during key stages of a renovation, and at other times be available on-site or by telephone; and
- May use an acceptable test kit to determine whether lead-based paint is present in affected areas.

### **What is the role of a certified sampling technician?**

Although the proposed rule does not require that dust samples be taken or clearance testing, it does describe a certified dust sampling technician's role as one that collects dust samples, sends the collected samples to a recognized laboratory, and compares the results to established clearance levels.

### **How do training programs become accredited?**

Under the proposed rule, training programs that

wish to provide accredited renovation training would apply to EPA for accreditation to provide renovation or dust sampling training.

### **What role do the States have in this regulation?**

The proposed rule contains procedures for the authorization of States, Territories, and Tribes to administer and enforce these standards and regulations in lieu of a federal program.

### **What is not covered by the proposal?**

The proposal would not apply to:

- Owner-occupied housing where children under six do not reside;
- Minor repair and maintenance activities that disrupt two square feet or less of painted surface per component; and
- Renovations where specified methods have been used to determine that the areas affected by the renovation are free of lead-based paint.

### **How do I submit comments on the proposed rule?**

After publication, submit your comments, identified by Docket ID number EPA-HQ-OPPT-2005-0049 online through the *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments. Other methods for submitting comments are also described in the proposed rule.

### **When must comments be submitted?**

Comments are due to EPA within 90 days of publication in the Federal Register.

### **How do I access the docket?**

Publicly available docket materials are available either electronically at <http://www.regulations.gov> (Docket EPA-HQ-OPPT-2005-0049) or in hard copy at the EPA Docket Center, EPA West, Rm. B102, 1301 Constitution Ave., NW., Washington, D.C.

### **Where can I get more information?**

For general information contact the National Lead Information Center at 1-800-424-LEAD. Information is also available on EPA's website at <http://www.epa.gov/lead>. For technical information regarding this rule, contact Mike Wilson at (202) 566-0521 or by e-mail at [wilson.mike@epa.gov](mailto:wilson.mike@epa.gov).